

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, *et al.*,¹

Debtors.

CELSIUS NETWORK LIMITED and
CELSIUS KEYFI LLC,

Plaintiffs,

v.

JASON STONE and KEYFI, INC.,

Defendants.

Chapter 11

Case No. 22-10964 (MG)

Jointly Administered

Adversary Proceeding
No. 22-01139 (MG)

JOINT STIPULATION AND ORDER REGARDING JURY TRIAL

This stipulation and agreed order (the “Stipulation and Order”) is entered into by and among Plaintiffs Celsius Network Limited and Celsius KeyFi LLC (the “Plaintiffs” or “Celsius”), and Defendants Jason Stone and KeyFi, Inc. (the “Defendants” and together with the Plaintiffs, the “Parties”) in the above-captioned adversary proceeding (the “Adversary Proceeding”). The Parties agree and stipulate to the following:

WHEREAS, on August 23, 2022, Plaintiffs filed an adversary complaint (the “Complaint”) in the United States Bankruptcy Court for the Southern District of New York (the “Bankruptcy Court”) against Defendants;

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Celsius Network LLC (2148); Celsius KeyFi LLC (4414); Celsius Lending LLC (8417); Celsius Mining LLC (1387); Celsius Network Inc. (1219); Celsius Network Limited (8554); Celsius Networks Lending LLC (3390); Celsius US Holding LLC (7956); GK8 Ltd. (1209); GK8 UK Limited (0893); and GK8 USA LLC (9450). The location of Debtor Celsius Network LLC’s principal place of business and the Debtors’ service address in these chapter 11 cases is 50 Harrison Street, Suite 209F, Hoboken, New Jersey 07030.

WHEREAS, on October 13, 2022, Celsius filed an amended adversary complaint (the “Amended Complaint”) against Defendants in the Adversary Proceeding asserting claims for turnover, conversion, fraudulent misrepresentation, breach of fiduciary duty, unjust enrichment, replevin, and accounting;

WHEREAS, on December 22, 2022, Defendants filed their Answer to the Amended Complaint asserting a right to a Jury Trial;

WHEREAS, under the circumstances identified in Bankruptcy Rule 9015, and pursuant to Local Rule 9015-1, the parties may consent to a jury trial in front of the Bankruptcy Court by “filing a statement of consent to a jury trial” within fourteen days from the “service of the last pleading”;

WHEREAS, the Parties discussed their respective rights to a jury trial, *vel non*, and previously requested to extend the period of time provided under Local Rule 9015-1;

WHEREAS, the Parties submitted a *Joint Stipulation and Order Regarding the Deadline to Consent to Have Trial Conducted by Bankruptcy Court* [ECF No. 57] on January 6, 2023, and this Court so-ordered the deadline contemplated under Local Rule 9015-1 extended through and including January 26, 2023;

WHEREAS, the Parties submitted a *Joint Stipulation and Order Further Extending Deadline to Consent to Trial Conducted by Bankruptcy Court* [ECF No. 70] on January 27, 2023; and this Court so-ordered the deadline contemplated under Local Rule 9015-1 extended through and including February 24, 2023;

WHEREAS, the Parties have conferred and now stipulate to extending the period of time provided under Local Rule 9015-1 *nunc pro tunc* from February 25, 2023 through the date of this order;

WHEREAS, the Parties have conferred, and pursuant to Rule 9015 and Local Rule 9015-1, consent to have a jury trial conducted by the honorable Chief Bankruptcy Judge presiding over this adversary proceeding under 28 U.S.C. § 157(e);

WHEREAS, the Parties now jointly submit this Stipulation and Order and respectfully request that the Bankruptcy Court approve the stipulation set forth below.

IT IS THEREFORE STIPULATED, AGREED AND ORDERED THAT:

1. The deadline contemplated under Local Rule 9015-1 is extended *nunc pro tunc* from February 25, 2023 through the date of this order; and
2. Pursuant to Rule 9015, Local Rule 9015-1, and 28 U.S.C. § 157(e), the Parties consent to a jury trial conducted before the Bankruptcy Court by the Honorable Chief Bankruptcy Judge Martin Glenn.

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SO STIPULATED:

Date: March 13, 2023

/s/ Mitchell P. Hurley

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Limited*

IT IS SO ORDERED:

Dated: March 15, 2023

New York, New York

/s/ Martin Glenn

MARTIN GLENN

Chief United States Bankruptcy Judge